

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSE JAVIER VAZQUEZ,
Plaintiff

v.

THOMAS S. MCGINLEY,
Defendant

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No. 1:21-cv-00150

(Judge Kane)

ORDER

AND NOW, on this 15th day of November 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendant's motion to dismiss (Doc. No. 18) is **GRANTED**;
2. Plaintiff's complaint (Doc. No. 2) is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted;
3. Plaintiff may file an amended complaint on or before **December 15, 2021** to cure the deficiencies identified in the Court's Memorandum Opinion. Any amended complaint filed pursuant to this Order shall be filed to the same docket number as the instant action, shall be entitled "Amended Complaint," and shall be complete in all respects. It shall be a new pleading that stands by itself as an adequate complaint under the Federal Rules of Civil Procedure;
4. The Clerk of Court is directed to mail Plaintiff a civil rights complaint form; and
5. If Plaintiff fails to file an amended complaint by the above deadline, this case may be dismissed with prejudice for the reasons stated in the accompanying Memorandum.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania